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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000368

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SUBJECT: PRESIDENT SARGSIAN HINTS AT POSSIBLE AMNESTY

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Classified By: AMBASSADOR MARIE L. YOVANOVITCH, REASONS 1.4 (B,D)

SUMMARY

11. (C) In response to a journalist's question on May 28, President Sargsian said he is prepared to declare an amnesty "if the public has determined that there is such a need." The amnesty would presumably apply to most if not all of those in prison on charges related to the 2008 presidential election and the post-election violence of March 1. Sargsian called on "political forces, public figures, and the (presidential) Public Council" to present proposals on the necessity and conditions for an amnesty to the Presidency. "If it becomes clear that the public sees a need for this," Sargsian said he is prepared to use his authority to seek approval for an amnesty through the National Assembly. Gagik Tsarukian, leader of the coalition partner Prosperous Armenia, told the Ambassador May 29 that there could be movement toward an amnesty for March 1 detainees "within the next 10-20 days," but predicted that it could be a month from now before an amnesty proposal is approved in the National Assembly. Opposition leaders immediately assailed Sargsian's comments, arguing that an amnesty is a political decision for the President to make. Given the GOAM build-up to this announcement, and the fact that Sargsian highlighted the issue in his recent letter to the Secretary, the reality of his comments fell short of what was expected. We will continue to press for the earliest possible release of the detainees. End summary.

PRESIDENT "PREPARED" TO PROPOSE AMNESTY

12. (C) Following more than a week of hints from senior GOAM officials (reftel) and a public announcement by the Speaker of Parliament on May 21 that President Sargsian would declare an amnesty for the March 1 detainees on Armenian Republic Day (May 28), the President's announcement fell short of expectations. Answering a question from a journalist, the President noted that the last general amnesty in Armenia had been declared in 2006. "If the idea has matured in our society over the past three years that there is a need for a new amnesty," Sargsian said, "then I am prepared to use my constitutional authority." He then called on "political forces, public figures, or the Public Council" to present proposals to the Presidency on the necessity of an amnesty and the conditions under which it should be carried out. "If it emerges that there is such a desire in society," the President pledged to apply to the National Assembly to approve such a proposal.

OPPOSITION REMAINS UNCONVINCED

13. (C) Opposition and human rights leaders were quick to react to the President's comments, and were highly skeptical that an amnesty would be declared. In an interview with RFE/RL, Aram Sargsian, a top lieutenant of Armenian National Congress (ANC) leader Levon Ter-Petrossian, scoffed at the proposal. "It is very bad that the President doesn't know the wishes of the people, and is thus unable to assess the situation in the country." Sargsian added that the opposition "has no need to appeal for anything," and promised that "we will free our comrades on our own."

14. (C) Mikayel Danielyan, head of the Helsinki Association, criticized the President's statement, calling it "a show for the international community." (NOTE: The Monitoring Committee of the Parliamentary Assembly of the Council of Europe will review the detainee issue in a session on June 5. End Note.) Danielyan said he did not believe an amnesty would be carried out.

15. (C) Melissa Brown, the AmCit spouse of detained LTP activist (and former Foreign Minister) Alexander Arzumanyan, said that while she remains hopeful that her husband will be released, she views it as "unlikely." She indicated that only stepped up pressure from the international community on the detainee issue could force the GOAM into carrying out an amnesty. Brown speculated that President Sargsian's statement may be a sign that he is trying to avoid sole responsibility for declaring an amnesty if in the end he is compelled to do so by the international community.

TSARUKIAN SAYS PROPOSAL LIKELY IN 10-20 DAYS

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16. (C) In a May 29 lunch with the Ambassador, Prosperous Armenia leader Gagik Tsarukian said he fully supported an amnesty for all March 1 detainees, and said his party would soon be sending a proposal to the President on the issue. Tsarukian said there could be progress toward an amnesty "within 10-20 days," but predicted it would be "a month from now" before such a proposal would gain final approval in the National assembly. Tsarukian said he was confident that an amnesty would be declared, and that it would apply to "at least 90-95 percent" of the detainees.

COMMENT

17. (C) Given the build-up by presidential advisors toward a "major announcement" by President Sargsian, his May 28 comments were disappointing. This is especially true in view of the fact that Sargsian drew attention to this issue in his recent letter to the Secretary. Based on the President's indirect approach to the amnesty idea, and on the timetable set out by Tsarukian, it seems unlikely that we will see detainees freed before the June 10 meeting of the MCC Board. However, we will continue to push the authorities to follow through on the President's commitment and to accelerate the move toward an amnesty, if that is in fact the Government's intention.

YOVANOVITCH